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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 STIG STRONG,

Case No. 2:17-cv-02152-JCM-VCF

10 Petitioner,

ORDER

11 v.

12 UNITED STATES OF AMERICA,

13 Respondent.

14 Petitioner Stig Strong has submitted a *pro se* habeas corpus petition (ECF No. 1-
15 1). He has also submitted a handwritten document that he styles an application to
16 proceed *in forma pauperis* that is really an explanation as to why he did not file a proper
17 application (ECF No. 1).

18 The claims that petitioner sets forth are not cognizable in habeas corpus but
19 rather are allegations of violations of his civil rights pursuant to 42 U.S.C. § 1983,
20 namely allegations of violations of his Eighth Amendment right to be free from deliberate
21 indifference to serious risks to his safety in Nevada Department of Corrections custody
22 (ECF No. 1-1). *Nettles v. Grounds*, 788 F.3d 992, 1001 (9th Cir. 2015) (“[R]elief is
23 available to a prisoner under the federal habeas statute only if success on the claim
24 would ‘necessarily spell speedier release’ from custody.”); *Estelle v. Gamble*, 429 U.S.
25 97, 105 (1976) (“Regardless of how evidenced, deliberate indifference to a prisoner’s
26 serious illness or injury states a cause of action under § 1983.”).

27 Accordingly, this case will be dismissed without prejudice to the filing of a § 1983
28 complaint.

IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that petitioner's incomplete application to proceed *in forma pauperis* (ECF No. 1) is **DENIED** as moot.

IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel (ECF No. 2) is **DENIED** as moot.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**, as jurists of reason would not find the court's dismissal of this improperly commenced action without prejudice to be debatable or incorrect.

IT IS FURTHER ORDERED that the Clerk shall send petitioner two copies each of an application form to proceed *in forma pauperis* for incarcerated persons and a civil rights complaint pursuant to 42 U.S.C. § 1983 form, one copy of the instructions for each form, and a copy of the papers that he submitted in this action.

IT IS FURTHER ORDERED that petitioner's application to proceed *in forma pauperis* (ECF No. 1) is **DENIED**.

IT IS FURTHER ORDERED that the Clerk shall **ENTER JUDGMENT** accordingly and close this case.

DATED: September 6, 2017.

James C. Mahan
JAMES C. MAHAN
UNITED STATES DISTRICT JUDGE